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Attorneys for Defendant
New Hampshire Insurance Company

JUDGE BRIEANT

07 CIV 7102

Civ. No.:

Plaintiff,

NOTICE OF REMOVAL

-against-

NEW HAMPSHIRE INSURANCE COMPANY,

Defendant.

TO: The Judges of the United States District Court
for the Southern District of New York

PLEASE TAKE NOTICE that Defendant, NEW HAMPSHIRE INSURANCE COMPANY, hereby removes the above-entitled action from the Supreme Court of the State of New York, County of Orange, to the United States District Court For the Southern District of New York, pursuant to 28 U.S.C. §§ 1441 and 1446.

In support of this Notice of Removal, Defendant states, upon information and belief, as follows:

1. On or about July 26, 2007, plaintiff filed a Complaint in the Supreme Court for the State of New York, County of Orange. Plaintiff, HALF MOON BAY MARINA CONDO ASSOCIATION ("HALF MOON"), alleges in its Complaint that its sea wall was damaged. Prior

U.S. DISTRICT COURT
S.D. OF N.Y.
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FILED COURT

to the alleged damage, plaintiff had purchased from defendant a Yacht Dealers/Marina Operators policy bearing policy number DMO 341-97-27. Plaintiff alleges that the claims regarding the damage to the sea wall was notified to defendant NEW HAMPSHIRE INSURANCE COMPANY ("NHIC") prior to March 26, 2006. On May 17, 2006, defendant disclaimed coverage. A copy of the Summons and Complaint is annexed hereto as **Exhibit "A."**

2. There is currently an actual controversy between the parties under a marine insurance policy.
3. On or about July 31, 2007, plaintiff served a copy of the summons and complaint on defendant.
4. Defendant seeks removal of this action pursuant to 28 U.S.C. § 1441(b).
5. The District Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1333 as it is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and is within the admiralty jurisdiction of this Court.
6. Plaintiff maintains its principal place of business New York County, New York.
7. Defendant maintains its principal place of business in New York County, New York.
8. Defendant's request for removal is made within 30 days of receipt of the initial pleading, which was received on or about **July 31, 2007.**
9. After filing of the Notice of Removal in the United States District Court for the Southern District of New York, written notice of the filing of this Notice of Removal will be given by attorneys for defendant to plaintiff's attorney at his last known address, as provided by law, and copies of the Notice of Removal will be filed with the Clerk of the Supreme Court of New York, County of Orange.

WHEREFORE, Defendant prays that this court remove the action from the Supreme Court

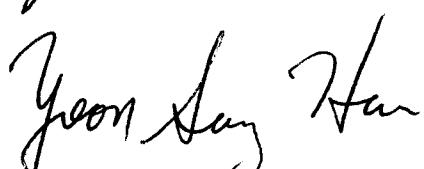
of the State of New York, County of Orange in accordance with 28 U.S.C. § 1446 and for any other relief the court deems just and proper.

Dated: New York, New York
August 9, 2007

Respectfully submitted,

RUBIN, FIORELLA & FRIEDMAN, LLP
Attorneys for Defendant
NEW HAMPSHIRE INSURANCE COMPANY

By: 
James E. Mercante (JM 4231)

By: 
Yoon S. Han (YH7602)